



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/808,567	03/14/2001	Paul John Seakins	1171/39258/92

CONFIRMATION NO. 3910

## FORMALITIES LETTER



\*OC000000005993844\*

Trexler, Bushnell, Giangiorgi,  
Blackstone & Marr, Ltd.  
105 West Adams Street, Suite 3600  
Chicago, IL 60603

Date Mailed: 04/23/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

JUN01/01 00000007 09808567

01 FD105

130.00 DP

CNC: Fishing + Pykel PA 92

FILE #: 1171/39258

signed oath/dec. 6/23/01  
Decl. & fees

DUE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AY 23 2001  
 & TRADEMARK OFFICE

Inventors: Paul John Seakins )  
 Malcolm David Smith )  
 Mohammad Thudor )  
 )  
 For: Breathing Assistance )  
 Apparatus )  
 )  
 Serial No.: 09/808,567 )  
 )  
 Filed: March 14, 2001 )  
 )  
 Art Unit: 3761 )  
 )  
 Atty Docket No.: 1171/39258/92 )

Certificate of Mailing by "Express Mail"	
Express Mailing No.:	<u>E1 720073791US</u>
Date of Deposit:	<u>May 23, 2001</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" Under 37 C.F.R. §1.10 on the date indicated above addressed to The Assistant Commissioner for Patents, Washington, D.C. 20231.	
<i>Tiffany E. Sexton</i> Tiffany E. Sexton	

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NON-PROVISIONAL APPLICATION**  
**-- FILING DATE GRANTED --**

Assistant Commissioner For Patents  
 Washington, D.C. 20231

**BOX: MISSING PART**

Sir:

The above-noted application was filed on March 14, 2001 via Express Mail. As a result of the original, executed Declaration document not being attached to said application, a Notice to File Missing Parts -- Filing Date Granted issued.

In response to the aforementioned Notice, please find enclosed herewith the following:

- a. The original Declaration and Power of Attorney for Patent Application, executed by the inventors, Paul John Seakins, Malcolm David Smith and Mohammad Thudor.
- b. A copy of the aforementioned Notice to File Missing Parts of Nonprovisional Application -- Filing Date Granted; and
- c. The undersigned firm's check in the amount of \$130.00 to cover the surcharge for filing the declaration at this time for a Large Entity.

The Commissioner is authorized to charge Deposit Account No. 20-1495 for any amount necessary to cover any additional costs associated with this Response in the event that the check mentioned above is either insufficient or lost, or to credit any overpayment.

Respectfully submitted,

Dated: May 23, 2001

By: *Raiford A. Blackstone, Jr.*  
 Raiford A. Blackstone, Jr., Reg. No. 25,156  
 Linda L. Palomar, Reg. No. 37,903  
 Attorneys for Applicant  
 TREXLER, BUSHNELL, GIANGIORGI,  
 BLACKSTONE & MARR, LTD.  
 105 W. Adams Street, 36th Floor  
 Chicago, IL 60603-6299  
 Tel: (312) 704-1890